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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 20th May, 1971 Vaisakha 30, 1893 (Saka)

THE DELHI SIKH GURDWARAS (MANAGEMENT) ORDINANCE, 1971

No. 9 OF 1971

Promulgated by the President in the Twenty-second Year of the Republic of India.

An Ordinance to provide for the better management of certain Sikh Gurdwaras and Gurdwara property.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:--

Short title and commencement.

1. (*1*) This Ordinance may be called the Delhi Sikh Gurdwaras (Management) Ordinance, 1971.

(2) It shall come into force at once.

Definitions.

2. In this Ordinance, unless the context otherwise requires,—

(*a*) "Administrator" means the Administrator of the Union territory of Delhi appointed by the President under article 239 of the Constitution;

(b) "appointed day" means the date of commencement of this Ordinance;

(*c*) "Board" means the Delhi Sikh Gurdwara Board constituted under section 3;

(*d*) "Committee" means the Gurdwara Prabandhak Committee Delhi, a society registered under the Societies Registration Act, 1860; 21 of 1860.

(*e*) "Gurdwaras" means the Sikh Gurdwaras situated in the Union territory of Delhi as were, immediately before the appointed day, being managed by or affiliated to the Committee;

(*f*) "Gurdwara property" means,—

(*i*) all movable and immovable property which, immediately before the appointed day, vested or was kept in deposit in the name of the Committee,

(*ii*) all property which stands in the name of the Gurdwaras or in the name of present or old managers of the historic Gurdwaras,

(*iii*) all offerings in cash or kind made in various Gurdwaras,

(*iv*) all property, cash and kind, movable as well as immovable that may be acquired by purchase, exchange or otherwise by the Gurdwaras from time to time,

(*v*) all grants, donations or contributions made from time to time by Government or any other authority to the Gurdwaras;

(*g*) "Sikh" means a person who professes the Sikh religion or, in the case of a deceased person, who professed the Sikh religion or was known to be a Sikh during his lifetime. If any question arises as to whether any living person is or is not a Sikh, he shall be deemed respectively to be or not to be a Sikh according as he makes or refuses to make in such manner as the Administrator may prescribe by rules the following declaration:—

"I solemnly affirm that I am a Sikh, that I believe in the Guru Granth Sahib, that I believe in the Ten Gurus, and that I have no other religion.".

Incorporation of the Board.

3. (*1*) As from the appointed day, there shall be established a Board to be called the Delhi Sikh Gurdwara Board.

(2) The Board shall be a body corporate having perpetual succession and a common seal and shall by the said name sue and be sued.

Composition of the Board.

4. (*1*) The Board shall consist of five members, being citizens of India, to be nominated by the Central Government from amongst persons having knowledge or practical experience in respect of such matters as the following, namely:—

social service, public affairs, management of public institutions, finance or law.

(2) There shall be a Chairman of the Board who shall be elected by the members from amongst themselves.

(3) A casual vacancy in the office of a member of the Board shall be filled by fresh nomination.

Disqualification.

5. A person shall be disqualified for being nominated as a member of the Board,—

(*a*) if he is not a Sikh and is less than twenty-one years of age;

(*b*) if he is found to be a person of unsound mind;

(*c*) if he is an undischarged insolvent;

(*d*) if he has been convicted of an offence involving moral turpitude;

(*e*) if he has, on any previous occasion, been removed from the office of a member of the Committee or has been removed by order of a competent court from any position of trust either for mismanagement or corruption.

Resignation of Chairman and members

6. The Chairman or any other member of the Board may resign his office by writing under his hand addressed to the Central Government:

Provided that the Chairman or the member shall continue in office until the nomination of his successor is notified.

Removal of Chairman and members.

7. (*1*) The Central Government may, by notification in the Official Gazette, remove the Chairman of the Board or any member thereof if he—

(*a*) is or becomes subject to any disqualifications; or

(*b*) refuses to act, or is incapable of acting or acts in a manner which the Central Government, after hearing any explanation that he may offer, considers to be prejudicial to the interests of the Gurdwaras.

(*2*) Where the Chairman of the Board is removed under sub-section (*1*), he shall also cease to be a member of the Board.

Validity of acts of Board not to be questioned by reason of vacancy, etc.

8. No act or proceeding of the Board shall be invalid by reason only of the existence of any vacancy amongst its members or any defect in the constitution thereof.

Meetings of the Board.

9. (*1*) The Board shall meet for the transaction of business at such times and places as may be decided by the Board:

Provided that the first meeting of the Board shall be held at such time and place as may be fixed by the Administrator in this behalf.

(*2*) The Chairman or in his absence any member chosen by the members from amongst themselves shall preside at a meeting of the Board.

(*3*) Subject to the provisions of this Ordinance, all questions which come before any meeting of the Board shall be decided by a majority of votes of the members present, and in the case of equality of votes the Chairman, or, in his absence any other person presiding shall have a second or casting vote.

Taking over of management of Gurdwaras by the Board.

10. Notwithstanding any judgment, decree or order of any court or other authority or any proceeding pending before any court or other authority, or anything contained in any law or rules or bye-laws of the Committee, the entire management and control of the Gurdwaras and Gurdwara property shall, as from the appointed day, be taken over and vested in the Board.

Dissolution of the society and transfer of Gurdwara property.

11. (*1*) As from the appointed day, the society known as the Gurdwara Prabandhak Committee, Delhi, and registered under the provisions of the Societies Registration Act, 1860, shall stand dissolved and all Gurdwara property, movable and immovable, and all rights, powers and privileges of the said society which immediately before the appointed day belonged to or were vested in the said society shall vest in the Board and shall be applied for the purposes for which the Board is constituted in accordance with the provisions of this Ordinance. 21 of 1860.

(*2*) As from the appointed day all debts and liabilities of the said society shall stand transferred and attached to the Board and thereafter be discharged and satisfied by the Board.

(*3*) Any will, deed or other instrument whether made or executed before or after the appointed day, which contains any bequests, gifts, or trust in favour of the said society shall, as from the appointed day, be construed as if the Board were therein named instead of the said society.

Duties of the Board.

12. Subject to the provisions of this Ordinance and the rules made thereunder, it shall be the duty of the Board—

(*i*) to arrange for the proper performance of religious rites and ceremonies in the Gurdwaras;

(*ii*) to provide facilities for worship by devotees at the Gurdwaras;

(*iii*) to ensure safe custody of its funds, movable properties, deposits, offerings in cash or kind and management of all Gurdwara property;

(*iv*) to ensure maintenance of order and discipline and proper hygienic conditions in the Gurdwaras;

(*v*) to make provision for payment of emoluments to its salaried staff;

(*vi*) to manage the historic and other Gurdwaras and the Gurdwara property in such a way as to make them inspiring centres of the Sikh tradition, Sikh culture and Sikh religion;

(*vii*) to spread education, especially the knowledge of Panjabi and Gurmukhi, to establish educational institutions and libraries and to give aid to such institutions and stipends to the students, to provide suitable accommodation for the pilgrims, to maintain free kitchen, to open free dispensaries and to do such other religious and charitable acts as the Board thinks fit;

(*viii*) to render all help in the cause of the uplift of the Sikh community;

(*ix*) to do all such things as may be incidental and conducive to the efficient management of the affairs of Gurdwaras, Gurdwara property or to the convenience of the devotees:

(*x*) to perform such other functions as may be prescribed by rules by the Administrator for carrying out the purposes of this Ordinance.

Creation of the Gurdwara Fund.

13. (*1*) There shall be a Gurdwara Fund into which all receipts and income of the Gurdwara property shall be credited and out of which all expenses and disbursement of the Board shall be made.

(*2*) The Gurdwara Fund shall be operated and maintained in accordance with the rules made by the Administrator in this behalf.

Directions by the Administrator.

14. (*1*) The Administrator may issue such directions, as he may think fit, on questions of policy to be followed by the Board and for issuing such directions, he may call for any report or information from the Board.

(*2*) In the performance of its functions under this Ordinance, the Board shall be guided by the directions issued under sub-section (*1*).

Penalty.

15. If any person obstructs the Board or any of its officers or servants from taking possession of any Gurdwara property vested in the Board under section 11 or conceals, destroys, mutilates or defaces any book or other documents with intent to evade the provisions of the said section 11, that person shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

Protection of action taken in good faith.

16. No suit, prosecution or other legal proceeding shall lie against the Chairman or any member of the Board or any officer or servant of the Board, for anything which is in good faith done or intended to be done in pursuance of this Ordinance or of any rule or order made thereunder.

Power to make rules.

17. (*1*) The Administrator may, by notification in the Official Gazette, make rules to carry out the purposes of this Ordinance.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the manner in which a declaration for the purposes of clause (*f*) of section 2 shall be made;

(*b*) the functions to be performed by the Board and the conditions and restrictions subject to which those functions shall be performed;

(*c*) the manner in which the funds belonging to the Board shall be deposited or invested;

(*d*) the mode of authentication of orders for payment of money by the Board;

(*e*) the form in which the account shall be kept by the Board, the audit thereof and publication of such accounts:

(*f*) any other matter which has to be, or may be, prescribed.

(3) Every rule made under this Ordinance shall be laid as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and, if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Power of Board to make regulations.

18. (1) The Board may, with the previous approval of the Administrator, make regulations not inconsistent with the provisions of this Ordinance or the rules made thereunder for carrying out its functions under this Ordinance.

(2) In particular and without prejudice to the generality of the foregoing powers, such regulations may provide for all or any of the matters, namely:—

(*a*) the manner in which meetings of the Board shall be convened, the quorum for the transaction of any business thereat and the procedure at such meetings;

(*b*) the manner in which a majority decision of the Board shall be obtained by circulation to the members of the matter requiring decisions;

(*c*) the appointment of such officers and servants as may be necessary for the purpose of carrying out the functions of the Board under section 12 and the terms and conditions of their service.

Ordinance not to affect rites and practices of Sikh religion.

19. Nothing contained in this Ordinance shall—

(*a*) save as otherwise expressly provided in this Ordinance or the rules made thereunder, affect any honour, emolument or perquisite to which any person is entitled by custom or otherwise in any Gurdwara,

(*b*) authorise any interference with the religious or spiritual functions performed in any Gurdwara.

V. V. GIRI,

President.

N. D. P. NAMBOODIRIPAD,

Joint Secy. to the Govt. of India.

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